

REMARKS:

Reconsideration of the rejections set forth in the Final Office Action mailed January 14, 2003 and entry of the present amendment is requested because Applicants respectfully submit that the Amendment places the application in a condition for allowance or in better form for consideration on appeal.

In response to the Office Action, claims 22 and 24 have been canceled, claims 1, 8, 9 and 12 have been amended, and new claims 24 and 25 have been added, in order to more particularly claim the subject matter of the present application.

In the Office Action, claims 1, 4-6, and 21-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,967,986 ("the Cimochoowski et al."), and claims 2-3 were rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over the Cimochoowski et al. reference. Because the cited reference fails to disclose, teach, or suggest the subject matter of the present claims, the rejections should be withdrawn.

The Cimochoowski et al. reference is directed to an endoluminal implant that includes a tubular shaped member and a sensor adapted to monitor a parameter related to fluid flow through the member. Col. 3, lines 16-27. Although the Cimochoowski et al. reference mentions that the implant can include graft stents, the purpose of the sensor is to measure parameters related to blood flow through the lumen of a stent in order to evaluate whether restenosis has occurred. Col. 6, lines 1-20. In one embodiment, the sensor is mounted on a stent body overlying a window opening allowing the sensor to measure parameters in the blood stream of the patient, i.e., within the interior of the stent.

Col. 22, lines 50-64. The sensor is not arranged to measure for sensing a parameter beyond the outer surface of the stent body.

In contrast to the Cimochoowski et al. device, the present claims recite a stent graft or an apparatus that includes a tubular prosthetic graft including an outer surface, a support structure, and a biosensor attached to at least one of the graft and the support structure, the biosensor including a pressure sensor arranged for sensing pressure beyond the outer surface of the graft within the weakened region of the blood vessel when the graft is secured within the blood vessel. The Cimochoowski et al. reference fails to disclose, teach, or suggest a pressure sensor arranged for sensing pressure beyond the outer surface of the graft, and, in fact, teaches the opposite. Accordingly, the present claims are neither anticipated nor otherwise obvious in light of the Cimochoowski et al. reference.

In view of the foregoing, it is submitted that the claims now presented in this application define patentable subject matter over the cited prior art. Accordingly, reconsideration and allowance of the application is requested.

If the Examiner concludes that the present amendments to not place the present application in condition for allowance, Applicants hereby request an opportunity to discuss the present application by telephone with the Examiner. The undersigned may be reached at (213) 680-6831.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: March 13, 2003

By: 

William A. English
Reg. No. 42,515
Attorneys for Applicants

Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Telephone: (213) 680-6831
Facsimile: (213) 680-6499